

SECTION 11

SEPARATION FROM THE SERVICE

11-1. Layoffs. The Department Head may lay off an employee in the Public Safety Service when deemed necessary by reason of lack of work or funds, the elimination of the position or other material change in the duties or organization, or for other related reasons which are outside the employee's control and which do not reflect discredit upon the work performance of the employee. The duties performed by an employee being laid off may be reassigned to other employees already working who hold positions in appropriate classes. The name of an employee laid off for any reason other than for cause shall be placed on the re-employment list.

11-2. Order of Layoff. If it is necessary to reduce the number of employees in a specific job classification within a City department due to lack of work or lack of funds, the City shall, whenever possible, attempt to minimize lay-offs by readjusting personnel and/or assigning the employee to duty in other departments. If lay-offs are necessary, seasonal, part-time, and probationary employees shall be laid off first. "Probationary employees" means employees who have been newly hired or promoted but have not completed their probationary period, or employees who have been placed on probation for disciplinary purposes. The order of laying off regular employees shall be determined by a combination of the three (3) most recent performance-evaluation scores and seniority in the City, starting from lowest to highest. Each factor shall be given equal weight (refer to Schedule G). If an employee has been evaluated fewer than three (3) times, all evaluations available shall be used for ranking purposes. In the event that the combined factors are equal between two or more employees, the Department Head shall determine in which order the affected employees are to be laid off based on their knowledge, skills, and abilities.

11-3. Reversion to Lower Grade. The laid-off employee shall have the right to move to the next lower grade position within the department, provided the employee meets the minimum qualifications for the position. If the employee moves into the next lower grade position, this may cause the need for further lay-offs due to lack of work and/or lack of funds. In this case, employees in the lower position shall be laid off in the order provided in 11-2.

11-4. Notice of Layoff. As soon as practical, the Department Head shall give written notice of a layoff, the date the layoff is to occur, and the reasons for the layoff to the Human Resources Director and to any affected employees; provided, however, that notice of the layoff is not mandatory for seasonal, probationary, temporary, or part-time Public Safety Service employees.

11-5. Severance Pay. When regular status full-time employees are laid off through no fault of their own, they will be eligible to receive severance pay as follows: Employees who have one (1) to two (2) years regular status full-time employment with the City shall be entitled to the equivalent of ten (10) days prorated pay. If the employee is laid off after more than two years employment with the City, in addition to the severance pay described above, the employee shall also receive an amount equal to five (5) prorated working days for each year of City Public Safety Service in excess of two (2) years, up to a maximum of thirty (30) days. Severance pay is in addition to any compensatory time, vacation and/or sick leave benefits accrued and owing the employee at the time of layoff.

11-6. **Dismissals.** A dismissal is a discharge or involuntary separation based on misconduct, incompetency, failure to perform duties or other just cause. The Mayor may dismiss any employee in the Public Safety Service, and a Department Head may dismiss any employee in his/her Department with the approval of the Mayor. A dismissed employee shall have the right to appeal as provided in Section 12 hereof.

11-7. **Pre-Disciplinary Conference.** When allegations of misconduct are made against an employee, a pre-disciplinary conference is held before a disciplinary decision is made, whereby the employee is given (1) written notice of charges being alleged; (2) an explanation of the evidence; and (3) the opportunity to present the employee's version of the facts surrounding the allegations and any and all information the employee wants the Department Head to consider before making a disciplinary decision. This process does not apply to employees on probation, since probationary employees are at-will.

11-8. **Order of Dismissal.** To initiate the termination of an employee, the Mayor or the Department Head shall issue with the Human Resources Director a written order discharging the employee and state therein the reasons for the discharge and when the discharge is effective.

11-9. **Serving and Filing the Order of Dismissal.** A true copy of the order of discharge shall be served upon the discharged employee in the manner prescribed herein no later than three (3) days after the order is filed with the Human Resources Director.

11-10. **Resignations.** To resign in good standing, an employee must give the Department Head at least fourteen (14) calendar days prior written notice unless the Department Head for good cause shown, agrees to permit a shorter notice period. The notice shall state the employee's reasons for resigning. The notice of resignation shall be forwarded to the Human Resources Director together with a statement regarding the resigning employee's service, performance and any pertinent information which may bear upon the employee's decision to resign. Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the City. The resignation of an employee who fails to give proper notice shall be immediately reported to the Human Resources Director by the Department Head. The Human Resources Director may take steps to verify reasons for the resignation. The Human Resources Director shall notify the employee in writing that the resignation has been accepted and shall notify the Finance and Administration Department of the effective date of the resignation. By resigning, the employee loses all legal right and status in the Public Safety Service.

11-11. **Absence without Approved Leave.** No employee in the Public Safety Service may be absent from duty without leave, except in case of great emergency. Failure to report for duty as scheduled or failure to notify the Department Head or designee of inability to report, or failure to report after a leave of absence has expired or has been revoked or canceled by the Department Head, shall be deemed as a resignation, and the position shall be declared vacant, unless the employee shall show, to the satisfaction of the Department Head, that the failure to report was due to sickness or emergency which made reporting impossible.

11-12. **Rehiring Personnel.** A person rehired for a position in Public Safety Service shall serve a six (6) month probationary period in the grade of Firefighter I, Paramedic or Police Officer I. To be eligible for rehire as provided herein, the date of application for rehire must be within twelve (12) months of the date of resignation, and the date of rehire must be within twenty-four (24) months from date of resignation, and the candidate has all applicable State certifications and/or POST bypass testing requirements. For purposes of computation of seniority, rehired personnel shall be given credit for all time previously served, but is not given any credit for the time that the person spent away from the City. Seniority status shall only be granted after successful completion of the six (6) month probationary period. After twelve (12) months reemployment the employee may be considered for the position of Master Police Officer or Engineer based on Department need and eligibility criteria. Refer to Murray City Pay Administrative Policy for details.